

**REMARKS**

Reconsideration of the above-identified patent application as amended herein is respectfully requested. Claims 8-9, 11-12, 19-20 and 26-32 are cancelled, and claims 1-4, 10, 13-14, 21 and 33 are amended herein. Of these, claims 1, 10, 21 and 33 are independent.

In the Office Action, the Examiner found the Oath or Declaration defective for failure to identify the present application by application number and filing date. A new Oath or Declaration identifying the present application by application number and filing date is submitted herewith as requested by this Office Action.

In the Office Action, the Examiner objected to the specification for failure to notify the updated status of all related applications. The specification is amended herewith to update the status of all related applications. No new matter has been entered.

In the Office Action, the Examiner rejected claim 1 under 35 U.S.C. 112, second paragraph for lack of antecedent basis, and claims 21 and 33 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claims 1, 21 and 33 are amended herein to further clarify the invention and with consideration of the informalities noted in the Office Action, and which are now believed to overcome the rejection under 35 U.S.C. 112, second paragraph. Specifically, claim 21 is amended herein to remove the redundant limitation, and claim 33 is amended herein to further clarify the invention. Thus, in light of the amendments to claims 1, 21 and 33, the withdrawal of the rejection of the claims under 35 U.S.C. 112, second paragraph, is respectfully requested.

In the Office Action, the Examiner rejected claims 1-10, 13-20 and 33-35 under 35 U.S.C. 102(e) as being anticipated by Baden et al. (US. Patent No. 5,871,694, hereinafter US '694).

Amended claim 1 recites (emphasis added):

“A flow management system comprising:

**a first panel..**

**a second panel...**

**...the first and second panels being aligned such that the first compartment overlays the second compartment and, as a result, adjacent exterior surfaces of said first and second panels are positioned opposite each other...**”

Similarly, amended claim 10 is directed “...to two panels being aligned so that the **first compartment overlays the second compartment and, as a result, adjacent exterior surfaces of said first and second panels are positioned opposite to each other.**” Amended claim 33 is directed to “..**a support to hold said first and second flow compartment against each other such that adjacent exterior walls thereof are held in contact with each other...**”

US '694 discloses a device for removing toxic substances from the blood using a double chamber three-walled component. The chambers are separated by a single panel which has to attached to the opposite walls such that the panel of the '694 device has two layers in parts and three layers in other parts. The recitation of the claims, as amended – as discussed with the Examiner – clearly distinguishes the structure shown by the '694 reference. In view of the foregoing, reconsideration and withdrawal of the rejection of

independent claims 1, 10 and 33 and of dependent claims 2-9, 13-20 and 34-35 under 35. U.S.C. 102(e) as being anticipated by US '694 is respectfully requested.

In the Office Action, the Examiner also rejected the claims under the judicially created doctrine of double patenting. Specifically, claims 1-10 and 13-20 were rejected over claims 119, 120 and 122-134 of copending Application No. 10/041,949 (2002/0147423) in view of US U.S. Patent No. 6,554,789, claims 21-25 were rejected over claims 119, 120 and 122-134 of copending Application No. 10/041,949 (2002/0147423), and claims 33-35 were rejected over claims 44/39 of US Patent No. 6,579,253. In order to expedite processing of this application, Applicants enclose herewith two terminal disclaimers to remove these grounds for rejections.

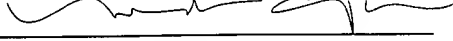
In view of the foregoing, it is believed that the present application is now in condition for allowance and a favorable action on the merits is respectfully requested.

The Commissioner is authorized to deduct any fees resulting from this Amendment from deposit account number 16-2500 of the undersigned.

The undersigned attorney requests that the Examiner contact him at the telephone number indicated below if it would help expedite prosecution of this application.

Respectfully submitted,

PROSKAUER ROSE LLP

By   
Mark A Catan  
Reg. No. 38,720

Date: August 11, 2004  
PROSKAUER ROSE LLP  
1585 Broadway  
New York, New York 10036-8299  
(212) 969-3000